

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
BECKLEY DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:18-cr-00026

JAMES H. BLUME, JR. -01,  
MARK T. RADCLIFFE -02,  
JOSHUA RADCLIFFE -03,  
MICHAEL T. MORAN -04,  
SANJAY MEHTA -05,  
BRIAN GULLETT -06,  
VERNON STANLEY -07,  
MARK CLARKSON -08,  
WILLIAM EARLEY -09,  
PAUL W. BURKE -10,  
ROSWELL TEMPEST LOWRY -11,  
TERESA EMERSON -12,

Defendants.

**ORDER**

The Court has reviewed Defendant Lowry's *Motion to Continue Trial and All Related Pre-Trial Deadlines* (Document 248) filed in the above-styled matter. Therein, Defendant Lowry moves for a continuance of the trial, and related dates, on the grounds, *inter alia*, that defense counsel was only appointed to the case on May 31, 2018, and, accordingly, requires additional time for receipt and review of voluminous discovery, to identify and retain expert witnesses, to review and evaluate the records, and to prepare for trial. The requested delay is not attributable

to lack of diligent preparation or failure to obtain evidence or witnesses on the part of the Government, or to congestion of the Court's calendar.

WHEREFORE, finding that the interest of the public and the Defendants in a speedy trial is outweighed by the ends of justice served by granting a continuance, the Court, for good cause shown, and without objection from the Government, does hereby **ORDER** that the motion (Document 248) be **GRANTED**. The trial as to all Defendants, previously scheduled for August 13, 2018, is **CONTINUED** to **November 5, 2018, at 9:00 a.m.**, in Beckley, West Virginia. Counsel should be prepared to select a jury **on the preceding Friday** if so ordered by the Court. The Court **ORDERS** that the deadline for filing superseding indictments, if any, shall be thirty days prior to the trial date and that the parties submit their respective witness lists and any proposed voir dire and jury instructions no later than **October 29, 2018**.

The Court further **ORDERS** that the pretrial motions hearing be **CONTINUED** to **October 16, 2018, at 10:00 a.m.**, in Beckley, West Virginia, before the Honorable Omar J. Aboulhosen, and that any motions to be addressed at the pretrial motions hearing, as well as any motions in limine, shall be filed no later than **October 2, 2018**.

The United States Marshals Service is **ORDERED** to transport any incarcerated Defendant from his/her location of confinement to the aforesaid court proceedings.

The Court **FINDS** that the time between August 13, 2018, and November 5, 2018, is excludable from the computation of time within which trial must commence, pursuant to 18 U.S.C. § 3161(h)(7).

The Court **DIRECTS** the Clerk to send a copy of this Order to Magistrate Judge Aboulhosn, to the Defendants and their respective counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: June 6, 2018

A handwritten signature in blue ink, reading "Irene C. Berger", is written over a horizontal line.

IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA